

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention passed by the Collector and District Magistrate, Visakhapatnam District in respect of Sri Kasturi Vasu, @ Devarapalli Vasu S/o. Vishakantayya, aged about (45) years, R/o. Devarapalli village and Mandal – Representation of Sri Kasturi Vasu, @ Devarapalli Vasu - Considered and Rejected – Orders- Issued.

GENERAL ADMINISTRATION (LAW AND ORDER.II) DEPARTMENT

G.O.Rt.No.5398

Dated:20.09.2008.

Read the following:-

1. Order of detention passed by the Collector & District Magistrate, Visakhapatnam Rc.No.181/2008/A, dated 28.07.2008.
2. G.O.Rt.No.4488, G.A.(L&O.II) Dept., dated 04.08.2008.
3. G.O.Rt.No.4970, G.A.(L&O.II) Dept., dated 30.08.2008
4. Representation, dated 21.08.2008 made by Sri Sri Kasturi Vasu, @ Devarapalli Vasu S/o. Vishakantayya, received through the Superintendent, Central Prison, Hyderabad Lr No. CPH/Jailor MG/10745-48/2008, Dated 22.08.2008.

ORDER:

In the reference first read above, the Collector and District Magistrate, Visakhapatnam has passed an order detaining Sri Kasturi Vasu, @ Devarapalli Vasu S/o. Vishakantayya of Devarapalli village and Mandal, Visakhapatnam District under Act No.1 of 1986 for his drug offending activities. In the G.O. second read above, Government accorded its approval in respect of the order of detention under the provisions of Sec. 3(2) of the said Act. And in the G.O. third read above, Government confirmed the said order of detention for a period of 12 months from the date of his detention under Section 12(1) of the Act.

2. In the meanwhile, Sri Kasturi Vasu, @ Devarapalli Vasu S/o. Vishakantayya, in his representation fourth read above, has requested the Government to set aside the detention order and to release him on the following grounds:

- i. During the period of his stay at Sarasapadu village without his knowledge some misguided and jealous youth belonging to Scheduled Tribe worked silently against him by preferring false petitions to the authorities their such efforts resulted in instigating the Paderu police to foist a false case of Ganja trafficking case against him in the year 2000 and was convicted and a sentence of 3 years imprisonment and a fine of Rs.5000/- was awarded by the District and Sessions Judge, Visakhapatnam and he preferred an appeal against the said judgment in the High Court of A.P. and the High Court of A.P. was pleased to dismissed the case;
- ii. Later he shifted his family back to Deverajupally village to avoid unnecessary troubles from the anti social elements of Sarasapadu, which is about 100 k.m. distance, they were not content and continued with their efforts to trouble and malign him. Thus, during 2006 there appeared a news item in the local news papers, linking him to financing "Ganja" forming and registering of 7 cases against him by the Paderu Police station. On verification through an Advocate he found that no cases were pending against him;

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- iii. Though no cases were pending against him nor any summons issued to him either by the police or by the Court, he was arrested in the early hours of 31st May, 2008 by the Paderu police from his residence in Devarajupally village and he was shifted to Visakhapatnam Jail. During his stay in Visakhapatnam jail for about two months, the Police obtained his signatures on some papers under duress and ultimately a detention order of the C&DM, Visakhapatnam was served on him and he was shifted to Central Jail, Chanchalaguda, Hyderabad on 29-7-2008.;
- iv. For issuance of a detention order under Sec. 3(i) and 2 of A.P.P.D. Act, 1986, one should be habitual offender. But in his case neither any cases were tried nor was he convicted and more over to his knowledge no cases were pending against him before his arrest in the month of May, 2008. He was never arrested by the police after the case is in the year 2000 which was dismissed by the Hon'ble High Court;
- v. An independent enquiry with Panchayat Presidents and elders of Sarasapadu and Devarajupalli villages will vouch for his character and good conduct.

3. Government have examined the representation in the light of material placed before them and it is found that nine cases were registered against the detenu as follows:

- (1) In Cr.No: 144/2005-06, Pro & Excise Stn, Paderu;
- (2) In Cr.No:145/2005-06, Pro.& Excise Stn.,Paderu;
- (3) In Cr.No:146/2005-06, Pro.& Excise Stn.,Paderu
- (4) In Cr.No:147/2005-06, Pro.& Excise Stn.,Paderu
- (5) In Cr.No:148/2005-06, Pro.& Excise Stn.,Paderu
- (6) In Cr.No:149/2005-06, Pro.& Excise Stn.,Paderu
- (7) In Cr.No:150/2005-06, Pro.& Excise Stn.,Paderu
- (8) In Cr.No:54/2008-09, Pro.& Excise Stn.,Paderu
- (9) In Cr.No:62/2008-09, Pro & Excise Stn, Paderu;

4. In the representation the detenu himself has admitted his involvement in a case of the year 2000. It is found that the nine cases mentioned above, were registered and copies of relevant papers were furnished to the detenu in the relied upon documents. Therefore, the contention of the detenu that no criminal case was registered against him after the case in the year 2000, is not true.

5. As there are no merits in the representation, Government hereby reject the request of Kasturi Vasu @ Devarapalli Vasu, S/o. Vishakantayya, to set aside the order of detention passed by the Collector & District Magistrate, Visakhapatnam.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT

To

Sri Kasturi Vasu @ Devarapalli Vasu, S/o. Vishakantayya, through the Superintendent, Central Prison, Hyderabad.

Copy to:- The Superintendent, Central Prison, Hyderabad (He should serve the Order of the detenu immediately under proper acknowledgement and arrange to read over and explain the contents of the same in the language known to the detenu and report compliance to the Government forthwith)

The Collector and District Magistrate, Visakhapatnam.

Sf/sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)